

GENERAL PLAN AMENDMENT GPA-14-05: LIGHTPOST – RIVERPARK HOSPITALITY

RECOMMENDATION

Environmental Assessment: Recommend Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project.

General Plan, GPA-14-05: Adopt Resolution recommending Council approval.

SITE INFORMATION

Location: Southeast corner of Madrone Parkway and Lightpost Way (APN 726-33-026).

Site Area: 3.39 Acres

Zoning: ML, Light Industrial District

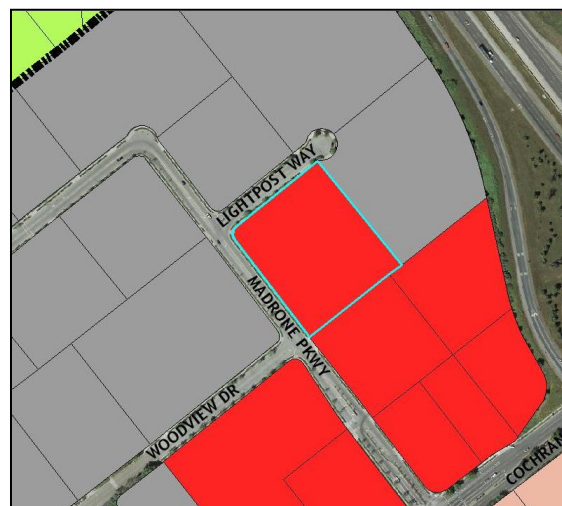
General Plan: Industrial

PROJECT DESCRIPTION

Request for a General Plan Amendment to change the General Plan land use designation from Industrial to Commercial on a 3.39 acre site in anticipation of a future hotel development project.



Existing General Plan Land Use Designations



Proposed General Plan Land Use Designations

BACKGROUND

The subject site, located on the southeast corner of Madrone Parkway and Lightpost Way, contains one unaddressed legal parcel (APN 726-33-026). Surrounding General Plan land use designations include Commercial to the south, and Industrial to the north, east, and west.

In March 2014 staff presented information to the Planning Commission and the City Council regarding several pending General Plan Amendment applications, including the subject request. Consistent with the Planning Commission's recommendation, the City Council directed staff to process the subject General Plan Amendment request ahead of the City's comprehensive General Plan Update process (Morgan Hill 2035).

ANALYSIS

The proposed General Plan Amendment was analyzed with respect to: 1) the appropriateness of the requested land use designation; and 2) consistency with applicable General Plan Policies.

1) Land Use Designation

The existing Industrial General Plan land use designation is intended to provide area for research, manufacturing, wholesale, and heavy service commercial uses that may be otherwise unsuitable to commercial districts. Zoning districts associated with the Industrial General Plan land use designation allow for hotel use only with a conditional use permit.

The proposed amendment to change the industrial designation to commercial is compatible with the existing General Plan land use designations of the adjacent properties, which are Industrial to the north, east, and west, and Commercial to the south. The proximity of existing hotels would encourage clustering of these use types, which is consistent with commercial "clustering" policies in the City's General Plan, and the purpose of the City's commercial zoning districts.

2) General Plan Policies

The proposed land use designation change from Industrial to Commercial on the subject site is consistent with the following General Plan Policies:

Economic Development Policies 1b and 1c: Designate sufficient areas of land to promote the development of a balanced community containing adequate jobs, retail services, and commercial activity, and encourage retention and expansion of existing businesses that generate revenue to the City's General Fund. Such businesses should promote the overlap between visitor and resident serving uses by encouraging retail goods and services that serve both market segments.

Commercial uses have a positive fiscal impact to the City. While sites developed as Commercial in the General Plan support a wide range of potential uses, the current Amendment application

was filed specifically to allow hotel development on the site. Hotels in general make a positive fiscal impact through Transit Occupancy Tax (TOT) revenues.

Economic Development Policy 3c: Encourage the location of tourist and recreation oriented commercial development along the freeway.

The project site is in proximity of the freeway and would allow development of a hotel in proximity to Highway 101. As a hotel is tourist and recreation oriented commercial development, the proposed Amendment would directly support this policy.

Community Development Policy 9a: Encourage a variety of commercial and office development to meet the needs to City residents.

Adding to the City's Commercial land supply to support proposed near-term development would be consistent with this General Plan Policy by encouraging commercial development.

CEQA ENVIRONMENTAL REVIEW

An environmental assessment was completed for the proposed project in accordance with the California Environmental Quality Act (CEQA), and potential impacts to the following areas were identified: Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazard and Hazardous Materials, and Noise and Vibration. These potential impacts can be mitigated through mitigation measures listed in the attached Mitigated Negative Declaration. Implementation of these measures would reduce potential impacts to a less than significant level.

The Mitigated Negative Declaration is an informational document. It does not, in of itself, approve or deny a project. Since staff recommends approval of the project, staff also recommends the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. The complete Mitigated Negative Declaration, initial study, and technical appendices are available on the City's website at: <http://www.morgan-hill.ca.gov/index.aspx?nid=1218>.

COMMUNITY ENGAGEMENT

The Planning Commission hearing for the project, as well as the Mitigated Negative Declaration for the project, were duly noticed to the public. No members of the public have provided input in response to these notices.

The proposed General Plan Amendment and other pending amendments were also referred to the City's General Plan Advisory Committee (GPAC), a Council appointed committee that is guiding the City's ongoing comprehensive update of its General Plan, Morgan Hill 2035. While the GPAC is an advisory committee, their input will be forwarded to the Planning Commission

and City Council prior to final action on the General Plan update. GPAC meetings are open to the public and include opportunities for input from the broader community as well as GPAC members. As part of their discussion of a preferred land use plan, the GPAC reviewed the proposal. No concerns have been raised regarding the proposed amendment, and the requested change to the General Plan diagram has been included within the GPAC preferred land use plan.

RECOMMENDATION

As discussed in this report, the subject General Plan Amendment request is consistent with applicable General Plan Policies.

The anticipated development of the site, in a manner consistent with the proposed land use designation and zoning district, would support development of a revenue-generating business serving local and regional residents while also supporting the City's tourism goals.

Staff recommends that the Planning Commission recommend City Council approval of the proposed project.

Attachments:

1. Resolution
2. Mitigated Negative Declaration
3. Mitigation Monitoring and Reporting Program
4. Exhibit A – Proposed Amendment Map

RESOLUTION NO. 14-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF MORGAN HILL RECOMMENDING
APPROVAL TO AMEND THE LAND USE DESIGNATION
OF A 3.39 ACRE SITE LOCATED AT THE SOUTHEAST
CORNER OF MADRONE PARKWAY AND LIGHTPOST
WAY FROM INDUSTRIAL TO COMMERCIAL (APN 726-
33-026)**

WHEREAS, such request was considered by the Planning Commission at their regular meeting of October 14, 2014, at which time the Planning Commission recommended approval of General Plan Amendment application, GPA-14-05: Lightpost – Riverpark Hospitality; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process; and

WHEREAS, testimony and materials received at a duly-noticed public hearing.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES
RESOLVE AS FOLLOWS:**

SECTION 1. The proposed General Plan Amendment is consistent with the provisions of the General Plan.

SECTION 2. The Planning Commission of the City of Morgan Hill hereby finds that, on the basis of the whole record before it (including the Initial Study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis, and that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are recommended for adoption. The custodian of the documents or other material, which constitute the record, shall be the Community Development Department.

SECTION 3. The Planning Commission hereby recommends City Council approval of the General Plan Amendment as shown in the attached Exhibit 'A'.

**PASSED AND ADOPTED THIS 14th DAY OF OCTOBER 2014, AT A REGULAR
MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

ATTEST:

APPROVED:

TERESA CRUE, Deputy City Clerk

RENE SPRING, Chair

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COMMUNITY DEVELOPMENT AGENCY

17555 Peak Avenue Morgan Hill CA 95037 (408) 779-7247 Fax (408) 779-7236
Website Address: www.morgan-hill.ca.gov

MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT:

Date: September 22, 2014

Application #s: GPA-14-05/EA-14-05

APN: 726-33-026

Project Title: Lightpost-Riverpark Hospitality General Plan Amendment (GPA)

Project Location: The approximately 3.39-acre project site is located at the southeast corner of Lightpost Way and Madrone Parkway in the City of Morgan Hill.

Project Proponent: River Park Hospitality, Inc., Bill McClintock, 16075 Vineyard Blvd., Morgan Hill, CA 95037

Project Description: The Lightpost-Riverpark project would change the land use designation on the entire 3.39-acre parcel from *Industrial* to *Commercial* use. The analysis of this GPA assumes the future development of two, four-story hotels with 90 rooms for a total of 180 hotel rooms on the site.

II. DETERMINATION

In accordance with the City of Morgan Hill procedures for compliance with the California Environmental Quality Act (CEQA), the City has completed an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, the City makes the following determination:

- Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures are included in the project, and, therefore, this **MITIGATED NEGATIVE DECLARATION (MND)** has been prepared.

III. CONDITIONS (Mitigation and Avoidance Measures):

A. Biological Resources:

Implementation of the following measure would reduce impacts to nesting birds to a less than significant level:

MM BIO-1: Vegetation removal shall occur outside of the breeding season, which is typically between February 1st and August 31st.

- If it is not possible to schedule construction activities between September 1st and January 31st, a nesting bird survey on the Lightpost-Riverpark, Laurel-DeRose, Laurel-Honda, and Monterey-KB Home project sites shall be completed by a qualified ornithologist 72 hours prior to the removal of vegetation and/or construction to determine absence or presence of nesting bird species. If the survey does not identify any nesting special-status bird species in the area potentially affected by the proposed activity, no further mitigation is required. If nest sites or young are located, a no-disturbance buffer shall be established around the active nest. The biologist will consult with California Department of Fish and Wildlife (CDFW) to determine the size of the no-disturbance buffer, which is typically between 150 to 200 feet. The above shall be implemented in conjunction with measures described under Condition 1 of the Santa Clara Valley Habitat Plan which addresses species covered under the Federal Migratory Bird Treaty Act (MBTA).

Implementation of the following mitigation measure at the time of future development will reduce impacts to burrowing owls if they become established on the project sites:

MM BIO-2: Future development on the project site will comply with the City's Burrowing Owl Habitat Mitigation Plan and measures detailed under Condition 15 of the Santa Clara Valley Habitat Plan to reduce potential impacts to burrowing owls to a less than significant level.

Implementation of the following mitigation measures at the time of future development will reduce impacts to trees to a less than significant level:

MM BIO-3.1: Future development in compliance with the requirements of the City of Morgan Hill Tree Removal Controls, which includes replacement of trees removed with plantings of new trees as deemed acceptable by the City of Morgan Hill Community Development Director, will ensure the project will not conflict with the City's Tree Ordinance.

MM BIO-3.2: Prior to the issuance of a Planning permit on the project site, tree surveys shall be completed to identify tree species on the site, identify trees planned for removal, and include specific measures to protect trees proposed for retention on the site from damage and/or loss during construction.

B. Cultural Resources:

Implementation of the following measures would ensure that proper site research and investigation occurs prior to ground disturbance on the sites.

MM CUL-1: Prior to issuance of Planning permit approval for future development on the Lightpost-Riverpark site, a qualified archaeologist shall complete an archaeological literature review at the Northwest Information Center (NWIC) for the site and all areas within a quarter-mile of the site. The archaeologist shall make recommendations based on the results of the literature search as to whether subsurface archaeological investigation is warranted prior to ground disturbance. The recommendations of the qualified archaeologist shall be implemented prior to construction of any future development on the site.

Standard Measures: This project may adversely impact undocumented human remains or unintentionally discover significant historic or archaeological materials. In the unlikely event cultural materials are found during site grading or excavation, the following standard measures would be implemented, in accordance with Municipal Code Chapter 18.75.110. If human remains are discovered, it is probable they are the remains of Native Americans.

- If human remains are encountered they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
 - Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
 - Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
- In the event that known or suspected Native American remains are encountered or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the discovery locale.
- An “exclusion zone” where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the Monitoring Archaeologist (typically 25-50ft for single burial or archaeological find).
- The discovery locale shall be secured (e.g., 24 hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances.
- The Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:

- The City of Morgan Hill Community Development Director (408) 779-7247
- The Contractor's Point(s) of Contact
- The Coroner of the County of Santa Clara (if human remains found) (408) 793-1900
- The Native American Heritage Commission (NAHC) in Sacramento (916) 653-4082
- The Amah Mutsun Tribal Band (916) 481-5785 (H) or (916) 743-5833 (C)
- The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American the Coroner has 24 hours to notify the NAHC.
- The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Amah Mutsun Tribal Band. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
- Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
- Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's Community Development Director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the Amah Mutsun Tribal Band may be considered and carried out.

If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If mediation fails then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

C. Geology and Soils:

The following mitigation measure will be required at the time of future development on the site and during construction activities to avoid significant geologic and soil impacts.

MM GEO-1: Future development on the site will be required to prepare an Erosion Control Plan as a standard condition of approval prior to issuance of a building permit, subject to review and approval of the Public Works Department. Conformance with the measures in the erosion control plan will reduce soil erosion during future construction.

D. Greenhouse Gas Emissions:

Implementation of the following measure would reduce GHG emission impacts to a less than significant level:

MM GHG-1: Per the Bay Area Air Quality Management District (BAAQMD) California Environmental Quality Act (CEQA) Air Quality Guidelines, development that is consistent with an approved Climate Action Plan/Comprehensive GHG Reduction Strategy (CAP/GHG Reduction Strategy) would not result in a significant GHG emissions impact. The project will incorporate reduction measures as prescribed by the CAP/GHG Reduction Strategy to reduce GHG emissions impacts to a less than significant level. Preparation of a CAP/GHG Reduction Strategy is in the City's current Work Plan and is underway. The following policy and action item was added to the Open Space and Conservation Element of the

General Plan in 2012. Future development under the proposed General Plan amendment and rezoning would be subject to the following General Plan policy and action item:

- Conservation Policy 7m - Reduce greenhouse gas emissions caused by actions within the City of Morgan Hill.
- Conservation Action 7.10 - Prepare and implement a Climate Action Plan (CAP) by the year 2015 that will reduce greenhouse gas emissions within the City of Morgan Hill by 2020 consistent with the direction of the State of California, as outlined in Assembly Bill 32: Global Warming Solutions Act.

The City is currently working on a Climate Action Plan for adoption by the year 2015 that will reduce GHG emissions consistent with AB 32 goals.

E. Hazards and Hazardous Materials

Implementation of the following measures at the time of specific development proposals for the Lightpost-Riverpark site would reduce potentially significant human health hazards to less than significant levels:

MM HAZ – 1: Prior to issuance of a Conditional Use permit, a Phase I Environmental Site Assessment (ESA) shall be prepared for the Lightpost-Riverpark site in order to determine whether there are potential hazards associated with the historical use of the site. If the Phase I ESA recommends soil testing in order to define contamination, Phase II soil investigations shall be completed to document the concentrations of any hazardous contaminants in the soil. Recommendations of the Phase II for any required soil remediation shall be implemented by the project.

F. Noise and Vibration

The following standard measure will reduce exterior noise levels to a less than significant level:

MM NOI – 1: The project shall comply with General Plan Noise Policy 7a. As part of a future specific project's project-level environmental review prior to the issuance of a discretionary development permit, an acoustical analysis shall be submitted for review for final design of the proposed sensitive uses. The exterior open space areas shall be designed to meet an exterior L_{dn} of 60 dBA or less, such mitigation measures may include: using the proposed buildings to provide shielding for outdoor use areas including courtyards, rear yards, side yards, etc; constructing sound walls or earth berms; and/or increased setback distances from the roadway. The final details for these measures will be determined during development of the final site plan, prior to issuance of building permits.

The following standard measure will reduce interior noise levels to a less than significant level:

MM NOI – 2: The project shall comply with General Plan Noise Policy 7a. As part of a future specific project's project-level environmental review prior to the issuance of a discretionary development permit, an acoustical analysis shall be submitted for review.

A final detailed acoustical analysis, in conformance with California Noise Insulation Standards in Title 24, Part 2 of the California Code of regulations (California Building Code), will be required for approval for final design of the proposed sensitive uses prior to issuance of a building permit. The project will incorporate sound control treatments, such as forced-air mechanical ventilation systems, sound-rated windows, and building facade treatments to meet an interior L_{dn} of 45 dBA (or 50 dBA as applicable) or less (with the windows closed) to the satisfaction of the City Building Official.

G. Cumulative Impacts

MM C-TRAN-1: The signalization of Butterfield Boulevard and Jarvis Drive (North) intersection is not specifically identified within the Year 2030 General Plan roadway network. However, implementation of a traffic signal at this location would improve the level of service to LOS B during both the AM and PM peak hours under Year 2030 General Plan with project conditions. The City has a policy that maintains intersection levels of service at LOS D or better. As individual projects are developed over time in the vicinity of this intersection, the first project that causes the identified significant impact will be conditioned to install the traffic signal at this location.

MM C-BIO-1.1: The project shall comply with the Santa Clara Valley Habitat Plan and pay the applicable nitrogen deposition fee based on the number of net new vehicle trips.

IV. FINDING

The City of Morgan Hill Community Development Director hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the Initial Study are included in the project.

MITIGATION MONITORING AND REPORTING PROGRAM

Lightpost-Riverpark Hospitality General Plan Amendment

**File Nos.
GPA-14-05/EA-14-05**



SEPTEMBER 2014

P R E F A C E

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

On _____, the City Council adopted the Mitigated Negative Declaration for the Lightpost-Riverpark Hospitality General Plan Amendment project (File Nos. GPA-14-05/EA-14-05). The Initial Study concluded that the implementation of the project could result in significant impacts on the environment and mitigation measures will be incorporated into the proposed project at the time of future development. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the Initial Study concluded that the impacts from implementation of the project would be less than significant.

**MITIGATION MONITORING AND REPORTING PROGRAM
LIGHTPOST-RIVERPARK HOSPITALITY GENERAL PLAN AMENDMENT**

Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
Biological Resources				
Impact BIO-1: Construction activities associated with future development on the project site could result in the incidental loss of eggs or nestlings, either directly through the destruction or disturbance of active nests or indirectly by causing the abandonment of nests.	MM BIO-1: Vegetation removal shall occur outside of the breeding season, which is typically between February 1 st and August 31 st . <ul style="list-style-type: none"> If it is not possible to schedule construction activities between September 1st and January 31st, a nesting bird survey on the project site shall be completed by a qualified ornithologist 72 hours prior to the removal of vegetation and/or construction to determine absence or presence of nesting bird species. If the survey does not identify any nesting special-status bird species in the area potentially affected by the proposed activity, no further mitigation is required. If nest sites or young are located, a no-disturbance buffer shall be established around the active nest. The biologist will consult with California Department of Fish and Wildlife (CDFW) to determine the size of the no-disturbance buffer, which is typically between 150 to 200 feet. The above shall be implemented in conjunction with measures described under Condition 1 of the Santa Clara Valley Habitat Plan which addresses species covered under the Federal Migratory Bird Treaty Act (MBTA). 	Director of the Community Development Department.	Director of the Community Development Department will ensure that all measures identified in the Negative Declaration, will be included in all contract specifications and implemented by contractors.	Prior to issuance of grading and/or building permit by qualified ornithologist.
Impact BIO-2: Construction activities could result in impacts to burrowing owls if they have become established	MM BIO-2: Future development on the project site will comply with the City's Burrowing Owl Habitat Mitigation Plan and measures detailed under Condition 15 of the Santa Clara Valley Habitat Plan to reduce potential impacts to burrowing owls to a less than significant level.	Director of the Community Development Department.	The developer shall submit the pre-construction survey report and identify any necessary buffer zones.	Prior to issuance of grading and/or building permit by qualified ornithologist.

**MITIGATION MONITORING AND REPORTING PROGRAM
LIGHTPOST-RIVERPARK HOSPITALITY GENERAL PLAN AMENDMENT**

Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
on the project site prior to future development.				
Impact BIO-3: Future construction activities at the project site could result in tree removal and could damage existing trees that may be proposed for preservation.	<p>MM BIO-3.1: Future development in compliance with the requirements of the City of Morgan Hill Tree Removal Controls, which includes replacement of trees removed with plantings of new trees as deemed acceptable by the City of Morgan Hill Community Development Director, will ensure the project will not conflict with the City's Tree Ordinance.</p> <p>MM BIO-3.2: Prior to the issuance of a Planning permit on the project site, tree surveys shall be completed to identify tree species on the site, identify trees planned for removal, and include specific measures to protect trees proposed for retention on the site from damage and/or loss during construction.</p>	Director of the Community Development Department.	<p>Review and approval of a tree survey by City staff.</p> <p>Incorporation of required measures on all construction documents, contracts, and project plans.</p>	Prior to issuance of a grading permit.
Cultural Resources				
Impact CUL-1: The <u>Lightpost-Riverpark</u> site is located in an area adjacent to a historic residence that is no longer present, which means that on-site soils could contain subsurface historic or prehistoric resources. Any disturbance or damage of subsurface resources during a future development on this site would have a substantial	MM CUL-1: Prior to issuance of Planning permit approval for future development on the Lightpost-Riverpark site, a qualified archaeologist shall complete an archaeological literature review at the Northwest Information Center (NWIC) for the site and all areas within a quarter-mile of the site. The archaeologist shall make recommendations based on the results of the literature search as to whether subsurface archaeological investigation is warranted prior to ground disturbance. The recommendations of the qualified archaeologist shall be implemented prior to construction of any future development on the site.	Director of the Community Development Department.	<p>The developer shall submit an archaeological literature review for review and approval by City staff.</p> <p>Recommendations of the qualified archaeologist shall be implemented prior to construction on the site.</p>	Prior to approval of a Planning permit.

**MITIGATION MONITORING AND REPORTING PROGRAM
LIGHTPOST-RIVERPARK HOSPITALITY GENERAL PLAN AMENDMENT**

Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
adverse effect on the resource.				
Geology and Soils				
Impact GEO-1: Future development on the project site could result in significant amounts of soil erosion during construction activities.	MM GEO-1: Future development on the site will be required to prepare an Erosion Control Plan as a standard condition of approval prior to issuance of a building permit, subject to review and approval of the Public Works Department. Conformance with the measures in the erosion control plan will reduce soil erosion during future construction.	Director of Public Works Department	An Erosion Control Plan shall be reviewed and approved by City staff.	Prior to issuance of a grading permit.
Greenhouse Gas Emissions				
Impact GHG – 1: Future development on the site would result in annual GHG emissions of 38.4 MT of CO ₂ e per service population.	<p>MM GHG – 1: Per the Bay Area Air Quality Management District (BAAQMD) California Environmental Quality Act (CEQA) Air Quality Guidelines, development that is consistent with an approved Climate Action Plan/Comprehensive GHG Reduction Strategy (CAP/GHG Reduction Strategy) would not result in a significant GHG emissions impact. The project will incorporate reduction measures as prescribed by the CAP/GHG Reduction Strategy to reduce GHG emissions impacts to a less than significant level. Preparation of a CAP/GHG Reduction Strategy is in the City’s current Work Plan and is underway. The following policy and action item was added to the Open Space and Conservation Element of the General Plan in 2012. Future development under the proposed General Plan amendment and rezoning would be subject to the following General Plan policy and action item:</p> <ul style="list-style-type: none"> Conservation Policy 7m - Reduce greenhouse gas emissions caused by actions within the City of Morgan Hill. 	Director of the Community Development Department.	Implementation of design measures to meet the City’s Climate Action Plan.	Prior to issuance of a building permit.

**MITIGATION MONITORING AND REPORTING PROGRAM
LIGHTPOST-RIVERPARK HOSPITALITY GENERAL PLAN AMENDMENT**

Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
	<ul style="list-style-type: none"> Conservation Action 7.10 - Prepare and implement a Climate Action Plan (CAP) by the year 2015 that will reduce greenhouse gas emissions within the City of Morgan Hill by 2020 consistent with the direction of the State of California, as outlined in Assembly Bill 32: Global Warming Solutions Act. <p>The City is currently working on a Climate Action Plan for adoption by the year 2015 that will reduce GHG emissions consistent with AB 32 goals.</p>			
Hazards and Hazardous Materials				
Impact HAZ – 1: The site may have supported agricultural uses that could have resulted in contamination of soils with organochlorine pesticides and heavy metals. Soil disturbance could result in health hazards to construction workers or to future uses developed on the site.	MM HAZ – 1: Prior to issuance of a Conditional Use permit, a Phase I Environmental Site Assessment (ESA) shall be prepared for the Lightpost-Riverpark site in order to determine whether there are potential hazards associated with the historical use of the site. If the Phase I ESA recommends soil testing in order to define contamination, Phase II soil investigations shall be completed to document the concentrations of any hazardous contaminants in the soil. Recommendations of the Phase II for any required soil remediation shall be implemented by the project.	Director of the Community Development Department.	Review and approval of Phase I and Phase II, as needed, Environmental Site Assessment by City staff.	Prior to issuance of a Planning permit.
Noise and Vibration				
Impact NOI – 1: Future hotel uses developed at the site would be exposed to exterior noise levels greater than 60 dBA L _{dn} .	MM NOI – 1: The project shall comply with General Plan Noise Policy 7a. As part of a future specific project's project-level environmental review prior to the issuance of a discretionary development permit, an acoustical analysis shall be submitted for review for final design of the proposed sensitive uses. The exterior	Director of the Community Development Department.	Review and approval of design-level acoustical analysis by City staff.	Prior to issuance of a site development permit.

**MITIGATION MONITORING AND REPORTING PROGRAM
LIGHTPOST-RIVERPARK HOSPITALITY GENERAL PLAN AMENDMENT**

Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
which exceeds the exterior noise and land use compatibility standards of the General Plan.	open space areas shall be designed to meet an exterior L_{dn} of 60 dBA, such mitigation measures may include: using the proposed buildings to provide shielding for outdoor use areas including courtyards, rear yards, side yards, etc; constructing sound walls or earth berms; and/or increased setback distances from the roadway. The final details for these measures will be determined during development of the final site plan, prior to issuance of building permits.		Incorporation of required measures on all construction documents, contracts, and project plans.	
Impact NOI – 2: Interior noise levels would be expected to exceed 45 dBA L_{dn} on the site, assuming standard hotel construction methods.	<p>MM NOI – 2: The project shall comply with General Plan Noise Policy 7a. As part of a future specific project’s project-level environmental review prior to the issuance of a discretionary development permit, an acoustical analysis shall be submitted for review.</p> <p>A final detailed acoustical analysis, in conformance with California Noise Insulation Standards in Title 24, Part 2 of the California Code of regulations (California Building Code), will be required for approval for final design of the proposed sensitive uses prior to issuance of a building permit. The project will incorporate sound control treatments, such as forced-air mechanical ventilation systems, sound-rated windows, and building facade treatments to meet an interior L_{dn} of 45 dBA (or 50 dBA as applicable) with the windows closed to the satisfaction of the City Building Official.</p>	Director of the Community Development Department.	<p>Review and approval of design-level acoustical analysis by City staff.</p> <p>Incorporation of required measures on all construction documents, contracts, and project plans.</p>	Prior to issuance of a site development permit.
Cumulative Impacts				
Impact C-TRAN-1: The intersection of Butterfield Boulevard and Jarvis Drive (North) is projected to operate at an unacceptable level of	MM C-TRAN-1: The signalization of Butterfield Boulevard and Jarvis Drive (North) intersection is not specifically identified within the Year 2030 General Plan roadway network. However, implementation of a traffic signal at this location would improve the level of service to LOS B during both the AM and PM peak hours under Year 2030 General Plan with project conditions. The City has a	Director of the Public Works Department	Installation of a traffic signal.	Prior to issuance of a building permit.

**MITIGATION MONITORING AND REPORTING PROGRAM
LIGHTPOST-RIVERPARK HOSPITALITY GENERAL PLAN AMENDMENT**

Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
service (LOS F) during both peak hours under Year 2030 Cumulative General Plan conditions with the project. Additionally, the peak-hour traffic signal warrant checks indicate that the intersection would have traffic volumes under Year 2030 Cumulative General Plan with project conditions that meet thresholds that warrant signalization. This constitutes a significant impact to the intersection based on the City's impact criteria.	policy that maintains intersection levels of service at LOS D or better. As individual projects are developed over time in the vicinity of this intersection, the first project that causes the identified significant impact will be conditioned to install the traffic signal at this location.			
Impact C-BIO-1: The pollutant emissions from project-generated trips would contribute to the significant cumulative indirect impact to sensitive serpentine habitats.	MM C-BIO-1.1: The project shall comply with the Santa Clara Valley Habitat Plan and pay the applicable nitrogen deposition fee based on the number of net new vehicle trips.	Director of the Community Development Department	Payment of nitrogen deposition fee.	Prior to issuance of a building permit.

Standard Measures:

Cultural Resources

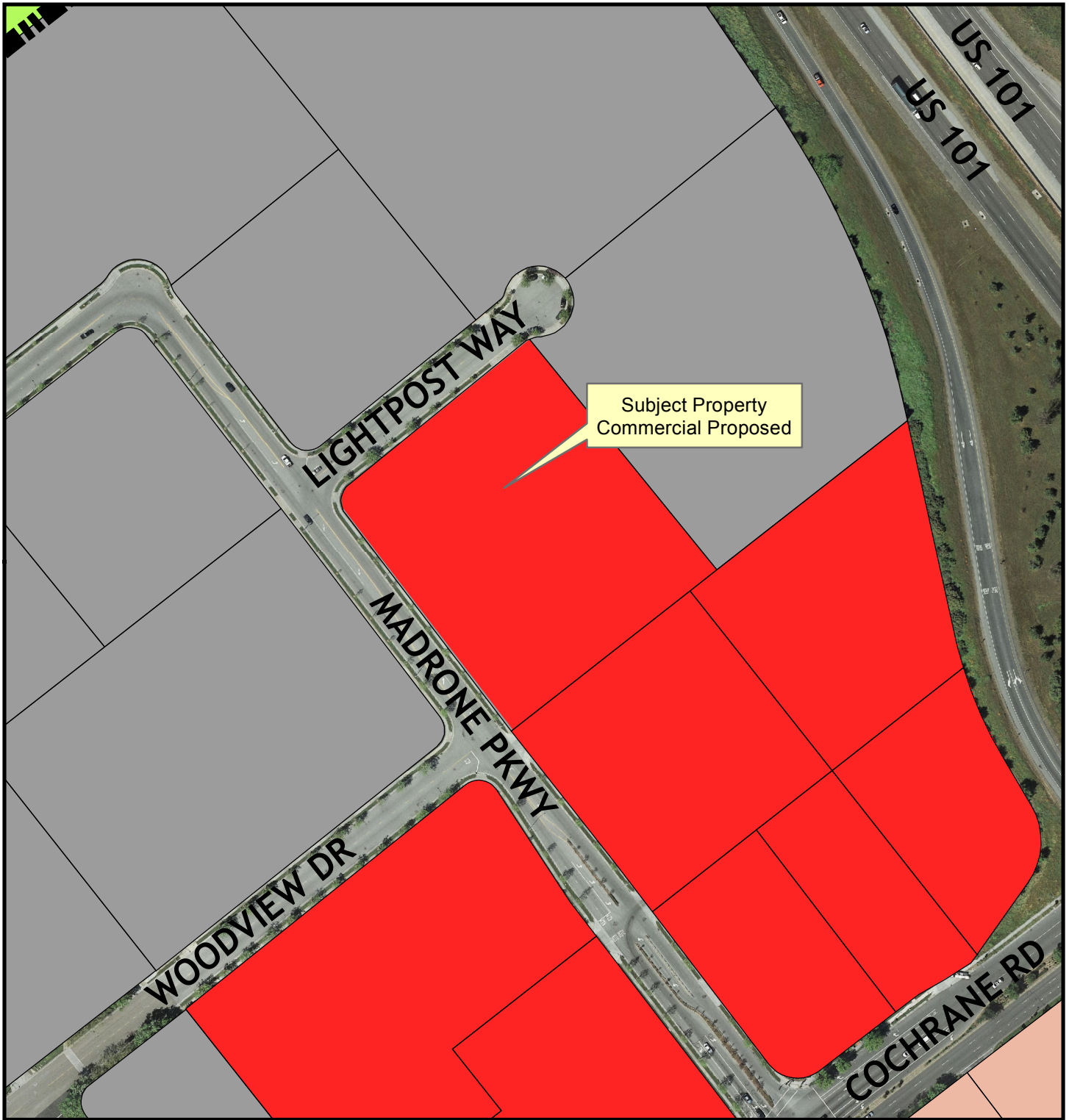
This project may adversely impact undocumented human remains or unintentionally discover significant historic or archaeological materials. In the unlikely event cultural materials are found during site grading or excavation, the following standard measures would be implemented, in accordance with Municipal Code Chapter 18.75.110. If human remains are discovered, it is probable they are the remains of Native Americans.

- If human remains are encountered they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
 - Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
 - Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
- In the event that known or suspected Native American remains are encountered or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the discovery locale.
- An “exclusion zone” where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the Monitoring Archaeologist (typically 25-50ft for single burial or archaeological find).
- The discovery locale shall be secured (e.g., 24 hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances.
- The Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:
 - The City of Morgan Hill Community Development Director (408) 779-7247
 - The Contractor’s Point(s) of Contact
 - The Coroner of the County of Santa Clara (if human remains found) (408) 793-1900
 - The Native American Heritage Commission (NAHC) in Sacramento (916) 653-4082
 - The Amah Mutsun Tribal Band (916) 481-5785 (H) or (916) 743-5833 (C)
- The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American the Coroner has 24 hours to notify the NAHC.

- The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Amah Mutsun Tribal Band. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
- Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
- Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's Community Development Director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the Amah Mutsun Tribal Band may be considered and carried out.
- If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If mediation fails then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

SOURCE:

City of Morgan Hill. *Initial Study for Fall 2014 General Plan Amendments*. September 2014.



General Plan Land Uses

- Commercial
- General Commercial
- Industrial
- Rural County

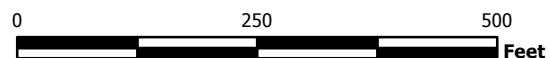


EXHIBIT A:
GPA -14-05:
LIGHTPOST-RIVERPARK HOSPITALITY
PROPOSED AMENDMENT

